


TOXIC SUBSTANCES CONTROL ACT12-3-D. Emergency Temporary Restraining Orders

1. **AUTHORITY.** Pursuant to the Toxic Substances Control Act, including Section 17, to refer requests for Emergency Temporary Restraining Orders to the U.S. Department of Justice and to the appropriate United States Attorney.
2. **TO WHOM REDELEGATED.** Director, Enforcement and Compliance Assurance Division.
3. **LIMITATIONS.**
 - a. Any official exercising this authority must obtain the advance concurrence of the regional counsel or designee on the legal sufficiency of the referral. The RC may waive concurrence in writing.
 - b. Any official exercising this authority must notify the assistant administrator for the Office of Enforcement and Compliance Assurance before exercising this authority. The AA for OECA may waive the notification requirement in writing.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the branch chief level, or equivalent, and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
 - a. Memorandum of Understanding between the U.S. Environmental Protection Agency and the U.S. Department of Justice, June 1977, 42 Fed. Reg. 48,942 (1977).
 - b. For referral of other civil actions under TSCA, see the Chapter 12 delegations entitled "Civil Judicial Enforcement Actions, Including Collection Actions" and "Imminent Hazards."



Debra H. Thomas
Acting Regional Administrator

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Date